

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: August 8, 1945. No claimant having appeared, judgment of condemnation was entered and it was ordered that the unfit portion be destroyed and the edible portion delivered to a public institution.

S247. Misbranding of canned lima beans. U. S. v. 256 Cases of Canned Lima Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16198. Sample No. 26943-H.)

LIBEL FILED: June 5, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about April 2, 1945, by the Otoe Food Products Co., from Nebraska City, Nebr.

PRODUCT: 256 cases, each containing 24 1-pound, 4-ounce cans, of lima beans at Denver, Colo.

LABEL, IN PART: "Otoe Small Lima Beans In Sauce * * * Packed From Dry Lima Beans, Sauce Ingredients—Water—Salt—Sugar—Butter—Vinegar."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the label statement, "Water—Salt—Sugar—Butter—Vinegar," was misleading since it failed to reveal the material fact that the article contained but a minute quantity of butter, if any; and Section 403 (g) (1), the article purported to be and was represented as canned lima beans, but it failed to conform to the definition and standard which provides that the vegetable ingredient be obtained by proper preparation from the succulent vegetable, whereas the article was prepared from dried lima beans.

DISPOSITION: July 28, 1945. The Otoe Food Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

S248. Adulteration of lima beans, rice, and pinto beans. U. S. v. 45 Bags of Lima Beans, 13 Bags of Rice, 11 Bags of Pinto Beans, and 25 Bags of Baby Lima Beans. Decree of condemnation. Products ordered released under bond. (F. D. C. No. 15931. Sample Nos. 20221-H, 20223-H to 20225-H, incl., 20251-H.)

LIBEL FILED: On or about April 24, 1945, Western District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of September 2 and November 23, 1944, from DeWitt, Ark., Fort Morgan, Colo., Oxford, Calif., and Tarke, Calif.

PRODUCT: 45 100-pound bags of lima beans, 13 100-pound bags of rice, 11 100-pound bags of pinto beans, and 25 100-pound bags of baby lima beans at Kansas City, Mo., in the possession of the Consumers Mill Product Co. The products were stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and urine stains were observed on them. Examination showed that the rice and 1 lot of lima beans contained rodent excreta and rodent hairs, and that the pinto beans and the other lot of limas were contaminated with urine and contained rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 12, 1945. The Consumers Mill Product Co. having appeared as claimant, judgment of condemnation was entered and the products were ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The products were converted into animal feed.

S249. Adulteration of frozen broccoli. U. S. v. 914 Cases of Frozen Broccoli. Decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 16366, 16367. Sample No. 4530-H.)

LIBEL FILED: June 11, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 25, 1944, by the Hershey Packing Co., from Everett, Wash.

PRODUCT: 914 cases, each containing 24 10-ounce packages, of frozen broccoli at Philadelphia, Pa.

LABEL, IN PART: "Hershey's Quick Frozen Broccoli."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.